

DOJ'S AWESOME NEW TRICK TO BREAK INTO APPLE PHONES

DOJ has apparently come up with an amazing new trick to break into Apple phones: to ask defendants in the weeks before they sentence them.

Throughout the challenge over the phone in EDNY, Apple has raised a number of other ways DOJ could get into Jun Feng's phone. That includes some known forensic tools, but especially – given that Feng pled guilty – simply asking him for his password a second time. According to WSJ's report on why DOJ just withdrew their request in that case, DOJ hadn't tried the latter method, until now.

In a one-page letter filed with a Brooklyn federal court Friday night, the government said an individual had recently come forward to offer the passcode to the long-locked phone. The filing means that in both of the high-profile cases pitting the Justice Department against Apple, the government first said it couldn't open the phone, only to suddenly announce it had found a way into the device as the case proceeded in court.

"Yesterday evening, an individual provided the passcode to the iPhone at issue in this case," prosecutors said in their terse letter to the judge.

"Late last night, the government used that passcode by hand and gained access to the iPhone. Accordingly, the government no longer needs Apple's assistance to unlock the iPhone, and withdraws its application."

[snip]

After he was arrested, Mr. Feng told

agents that he didn't remember the phone's passcode, leading investigators eventually to seek Apple's help. The Wall Street Journal reported last week that Mr. Feng only recently learned his phone had become an issue in a high-stakes legal fight between prosecutors and Apple. Mr. Feng, who has pleaded guilty and is due to be sentenced in the coming weeks, is the one who provided the passcode to investigators, according to people familiar with the matter.

Geniuses! Use the sentencing process, rather than the All Writs Act, to open up a phone captured two years ago (which probably has even less usable evidence than Syed Rizwan Farook's phone did.

These prosecutors are really using some amazing tools these days.